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File No. 10-92286

Attorneys for Secured Creditor,
BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING
LP

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

KEVIN G. SMITH,

Debtor(s)

BAC HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS
SERVICING LP,

Secured Creditor,

vs

KEVIN G. SMITH, Debtor(s), U.S.
TRUSTEE-LV-11, Trustee,

Respondent(s)

Case No.: BK-S-10-20270-MKN
Chapter 11

**NOTICE OF ENTRY OF
STIPULATED ORDER RE DEBTOR'S
MOTION TO VALUE AND
TERMINATION OF AUTOMATIC
STAY UPON NON-PAYMENT FOR
PROPERTY 116 ALMENDIO LANE,
HENDERSON, NV**

Date: January 12, 2011
Time: 09:30 A.M.

TO:

DEBTOR:

Kevin G. Smith
235 Pintale Circle
Henderson, NV 89074

ATTORNEY FOR DEBTOR:

David A. Riggi
5550 Painted Mirage Road. #120
Las Vegas, NV 89149

1 CHAPTER 11 TRUSTEE:

2 U.S. Trustee-LV-11
3 300 Las Vegas Blvd S.
Suite 4300
Las Vegas, NV 89101

4 PLEASE TAKE NOTICE that a **Stipulated Order Re Debtor's Motion to Value and**
5 **Termination of Automatic Stay Upon Non-Payment for Property 116 Almendio Lane,**
6 **Henderson, NV** was entered herein on February 4, 2011. A copy of the Order is
7 attached hereto as Exhibit "A".

8 Dated: February 7, 2011 By: /s/ Gina M. Corena, Esq.
Gina M. Corena, Esq.

9 **CERTIFICATE OF MAILING**

10 I hereby certify and declare under penalty of perjury under the laws of the State of Nevada that a
11 copy of Notice of Entry, with attached Exhibit "A", **Stipulated Order Re Debtor's Motion to**
12 **Value and Termination of Automatic Stay Upon Non-Payment for Property 116 Almendio**
13 **Lane, Henderson, NV**, was mailed to each party noted above on February 8, 2011.

14 Date: February 8, 2011 /s/ Stacey L. Werner
15 An Employee of Miles, Bauer, Bergstrom & Winters, LLP

16 (10-92286/nvnoe.dot/SLW)

Exhibit A



Entered on Docket
February 04, 2011


Hon. Mike K. Nakagawa
United States Bankruptcy Judge

Gina M. Corena, Esq.
Nevada Bar No. 10330
MILES, BAUER, BERGSTROM & WINTERS, LLP
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Attorneys for Secured Creditor,
BAC HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS SERVICING LP

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

KEVIN G. SMITH,
Debtor(s)

Case No.: BK-S-10-20270-MKN
Chapter 11

BAC HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS
SERVICING LP,

Secured Creditor,

vs

KEVIN G. SMITH, Debtor(s), U.S.
TRUSTEE, Trustee,

Respondent(s)

**STIPULATED ORDER RE DEBTOR'S
MOTION TO VALUE AND
TERMINATION OF AUTOMATIC
STAY UPON NON-PAYMENT FOR
PROPERTY 116 ALMENDIO LANE,
HENDERSON, NV**

Date: January 12, 2011
Time: 09:30 A.M.

IT IS HEREBY STIPULATED BY AND BETWEEN Secured Creditor, BAC HOME
LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP, through
its counsel, GINA M. CORENA, ESQ., of the law firm of Miles, Bauer, Bergstrom & Winters,

1 LLP, attorneys of record for Secured Creditor, and Debtor, KEVIN G. SMITH, through its
2 counsel, DAVID A. RIGGI, as follows:

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the value of the subject
4 Property described as follows: **116 Almendio Lane, Henderson, NV 89074** ("Property" herein)
5 and legally described as follows:

6 LOT THREE (3) IN BLOCK THREE (3) OF AMENDED MAP OF
7 OAKWOOD, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 32 OF
8 PLATS, PAGE 61, AND BY CERTIFICATE OF AMENDMENT RECORDED
9 FEBRUARY 13, 1986 IN BOOK 860213 AS DOCUMENT NO. 00329 OF
10 OFFICAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF
11 CLARK COUNTY, NEVADA.

12 shall be adjudicated to be \$107,000.00 for the purposes of bifurcating the claim of Secured
13 Creditor, BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS
14 SERVICING, LP.

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Debtor shall maintain
16 the regular amortized monthly principal and interest only payments of \$590.86 at 5.25% over 30
17 years for the total crammed down value of \$107,000.00 commencing with the February 1, 2011
18 payment. Said payments shall be made directly to BAC HOME LOANS SERVICING, LP FKA
19 COUNTRYWIDE HOME LOANS SERVICING LP, MAIL CODE: TX2-982-03-03, 7105
20 CORPORATE DRIVE, PLANO, TX 75024 referencing loan number ending in *****9177 on all
21 payments.

22 IT IS FURTHER ORDERED, ADJUDGED AND AGREED that the Debtor becomes current
23 with the taxes and insurance. At the present, Debtor's total amount of escrow shortage on the
24 note is \$243.60 to be paid within six (6) months of the entry of this stipulated order. Debtor must
send a cashier check or money order for the escrow shortage to BAC HOME LOANS
SERVICING, LP, c/o Miles, Bauer, Bergstrom & Winters, LLP, 2200 Paseo Verde Pkwy., Suite
250, Henderson, NV 89052, Attention: Bankruptcy Department. The Debtor will provide his

1 own taxes and insurance to the Customer Service Department and to the Bankruptcy Department,
2 making this loan a non-escrow loan.

3 Secured Creditor reserves the right to make the election under §1111(b) to have its claim
4 deemed fully secured in the amount of \$134,014.91.

5 Secured Creditor reserves the right to vote to reject the Chapter 11 Plan of
6 Reorganization if it deems necessary.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that should the Debtor fail
8 to maintain the regular monthly payments on Secured Creditor's Trust Deed obligation, allowing
9 the normal grace period, or fail to maintain the property taxes or insurance, Secured Creditor
10 shall send 15-days' written notice of default to Debtor and Debtor's counsel and, should the
11 Debtor fail to cure their delinquency pursuant to said written notice, Secured Creditor shall
12 submit an Ex Parte Order Terminating the Automatic Stay. Upon entry of the Ex Parte Order,
13 the Automatic Stay shall be immediately terminated and extinguished for all purposes as to
14 Secured Creditor, BAC HOME LOANS SERVICING, L.P. FKA COUNTRYWIDE HOME
15 LOANS SERVICING, LP, its assignees and/or successors in interest.

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event the
17 instant bankruptcy proceeding is dismissed or converted to another chapter, this Order shall be
18 terminated and have no further force or effect.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any funds received by
20 Secured Creditor, which are subsequently returned for non-sufficient funds, shall be subject to
21 the default provisions contained herein.

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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the terms and
2 conditions of this Stipulation may not be modified, altered or changed in any Chapter 11 Plan for
3 Reorganization without the express written consent of Secured Creditor.

4 In the event, BAC HOME LOANS SERVICING, L.P. FKA COUNTRYWIDE HOME
5 LOANS SERVICING, LP elects to make an 1111b election, the terms of the stipulation may be
6 modified, altered or changed as to BAC HOME LOANS SERVICING, L.P. FKA
7 COUNTRYWIDE HOME LOANS SERVICING, LP's claim treatment but not as to valuation of
8 the property.

9
10 IT IS SO ORDERED.

11 Submitted by:

12
13 DATED: January 11, 2011

By: /s/ Gina M. Corena, Esq.
Gina M. Corena, Esq.
Attorney for Secured Creditor
BAC HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS SERVICING
LP

14
15
16
17 APPROVED/DISAPPROVED

18 DATED: 1/26/11

DAVID A. RIGGI
Attorney for Debtor

19
20
21 (10-92286/nvapo.dot/slw)

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